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SUBJECT: URIBE HAS CARDS TO PLAY IN MANAGING RELATIONS WITH
THE NEW CONGRESS

Classified By: Ambassador William B. Wood
Reason: 1.4 (b,d)

Summary

11. (C) The March 12 Congressional elections -- in which 166 Representatives and 102 Senators will be elected -- are uncharted political territory. Because there is no mid-term election for correction, the Congress elected next week will last through the almost certain second Uribe Administration. There is no tradition of coattails, the several parties supporting Uribe are fighting each other, and there has been no clear way for Uribe to translate his more-than-60-per-cent popularity into voter support for his preferred congressional candidates. We believe the outcome of the Congressional elections will be a divided Congress in which Uribe will need to avoid defections among his supporters, but in which his support will be more systematic. This may give the leaders of those factions added influence over Uribe. But, in the end, we believe that Uribe's ability to jawbone, log roll, pork barrel, play patronage, and find unexpected allies even among the opposition will produce a workable, if messy, Congress. The new Congress may produce cliffhangers on some issues of importance to the U.S., but probably will not affect extradition, drug fumigation, or other controversial matters central to the bilateral relationship. It may well affect Uribe's ability to push through budgetary and other economic reforms. We understand that he will try to get ratification of the free trade agreement through the current Congress after the March elections, but believe he will succeed even if the issue has to wait for the next Congress. End summary.

Uribe's Congressional Record

12. (C) Uribe's congressional record has been strong, but not without defeats. He was elected in 2002 as an independent and so had no built-in majority in the Congress. He had the support of between 65-75 of the 102 Senators and roughly 115 of the 166 House members during his term. Uribe's initial approach -- to lambaste "politicking" and go directly to the people, for instance in the failed referendum of 2003 -- alienated the traditional political elite. Following the referendum, he focused on more traditional ways to gather votes. His marathon, incessant meetings with legislators at the presidential palace were extraordinary (the Ambassador

once called on Uribe only to have the President say, "Great. I've got three simultaneous meetings with groups of Senators going on and I want to walk you through all three so they each know that I have good reason for bailing out on them.") Despite his lack of systematic party support, Uribe secured passage of legislation on paramilitary demobilizations (the Justice and Peace law), pension reform, criminal justice (a new oral accusatory system), presidential reelection, child abduction (acceding to the Hague Convention), and a law designed to ensure a fair playing field for candidates challenging an incumbent president.

13. (C) In the dynamism of Colombian parliamentary politics, it is hard to know exactly when the Uribe Administration won or lost on specific, detailed initiatives like the Justice and Peace law. But we know, for instance, that major tax and spending reforms were defeated, and that the Senate rejected Uribe's candidate for the Constitutional Court, ushering in the half-year of suspense over the constitutionality of re-election.

The New Congress

14. (C) Common wisdom around Colombia suggests that the new Congress will be less friendly to Uribe than the current Congress. We are aware of no informed observers, however, who predict a significant ideological shift. (Semana magazine predicted recently that Uribe supporters would dominate the new Congress, and El Tiempo reported that its poll (septel) had Uribe supporters close to a majority.) Predicting Congressional votes is not an easy task in Colombia. Uribe's election as an independent in 2002 confirmed and may have accelerated the trend of weakening party identification. Uribe's Congressional support changed

regularly, as members defected from parties and joined others. Electoral reforms in effect in 2006 were intended to check disintegration, restore party discipline, and boost ideological cohesion. The reforms will be successful in reducing the plethora of parties in Congress, but they will not necessarily restore party control over members. The new "preferential vote" system gave parties an incentive to include on their lists popular figures whose commitment to party discipline is not assured. (For example, Elkin Velasquez is running for a House seat in Bogota on the Polo ticket, yet is a strong supporter of the free trade agreement.)

15. (C) Liberals, Conservatives, the Polo, and the various Uribista parties all have significant internal differences that could impede them voting in a consistent and cohesive manner in the new Congress. The Liberals are not so united as they would like voters to think. Gaviria is widely expected to run for president in 2010, and the party has several prominent figures who would like that chance themselves. Gaviria has done a credible job in starting the party's renewal, but he has some way to go. In addition, the Liberals' presumed legislative leader (Cecilia Lopez in the Senate) is not an ideologue and can be expected to promote a series of pragmatic social programs that Uribe could support (Gaviria told us recently that only Piedad Cordoba in his party qualifies as a real ideologue). The Conservatives remain annoyed with Uribe because of the Casa de Narino's perceived ungrateful attitude for Conservative support, but the Conservative Party is somewhat constrained by the fact that its own sympathizers came out in massive numbers in a 2005 primary to urge the party not to run a candidate for president in 2006, and instead to back Uribe. The various Uribista parties promise to organize disciplined support for Uribe but we are doubtful that tensions between the leaders can be avoided for long. The Polo is also deeply divided.

16. (C) Prominent political analysts suggest that, if reelected, Uribe will enjoy the traditional honeymoon period that Congress accords to new Colombian presidents. Former Vice Minister of Justice and Interior Rafael Nieto and

political consultant Miguel Silva told us recently that new presidents can almost always get their proposals through Congress in the first two years, using "popular support, good arguments, and patronage." After the two years are up, they said, electoral considerations kick in and complicate matters. Nieto and Silva said Uribe would benefit from such a honeymoon period if reelected, but it could be shorter than two years. One large unknown regarding a honeymoon period, however, is the new dynamic created by presidential reelection.

Factors to Watch Out For

17. (C) Uribe's legislative success with the new Congress may be determined less by the composition of the Senate and House than by a series of other factors, some of which are under his control:

-- How long his honeymoon lasts;

-- Which legislative projects he decides to present to Congress in the first 18 months or so when a honeymoon could be in effect;

-- How he decides to cultivate new members with patronage and "pork barrel" efforts; and

-- Whether parties are able to impose greater discipline on their members.

Comment: Success More Likely Early in Term

18. (C) In our view, Uribe might face a more hostile Congress in a second term than he faced in his first four years, but he has the opportunity to achieve results, especially early on. He will need to avoid defections among his supporters, but his own support will be more systematic. Liberal chief Gaviria is especially aware of the perils of harshly criticizing Uribe, as his attacks on the president have made

Gaviria one of the country's most unpopular politicians. As long as Uribe remains popular with the public, prominent Liberals and Conservatives will measure carefully their opposition. Uribe also holds some cards. He has learned a lot about patronage. He also can decide when and how to push projects in Congress. One of Uribe's major Congressional challenges in a second term will be ratification of the free trade agreement, which we understand he will push with the current Congress after the March elections. We believe he will succeed even if the issue has to wait for the next Congress. Budgetary and other economic reforms could be tougher. Whether he wins, as he did with Justice and Peace and presidential reelection, or loses, as he did with tax reform in his first term, is as much dependent on Uribe's choices and efforts as it is with the specific composition of the new Congress.

WOOD